

## Article - Family Law

[\[Previous\]](#)[\[Next\]](#)

§5–551.

(a) The Department shall adopt regulations that relate to the registration of family child care homes and large family child care homes.

(b) So far as practicable, the regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of child care.

(c) At a minimum, the regulations of the Department shall provide for:

(1) minimum standards of environmental health and safety, including provisions for:

(i) adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5–505 of this subtitle;

(ii) the physical and mental health of child care providers; and

(iii) investigation of any criminal record of a child care provider;

(2) a thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;

(3) an initial family child care registration that expires 2 years after its effective date;

(4) a continuing family child care registration that:

(i) upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and

(ii) once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;

(5) reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;

(6) an orientation to be provided to prospective child care providers by the Department before initial registration;

(7) announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;

(8) unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12-month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;

(9) procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;

(10) a requirement that a person who advertises a family child care home, large family child care home, or family child care service shall:

(i) indicate in the advertisement that the family child care home or large family child care home is registered; and

(ii) display in the advertisement the registration number issued to the family child care home, large family child care home, or family child care service by the Department;

(11) a requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:

(i) basic first aid training through the American Red Cross or through a program with equivalent standards; and

(ii) cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; and

(12) (i) a requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and

(ii) a requirement that the notice sent by the family child care home or large family child care home shall:

1. be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;

2. be in writing;

3. identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and

4. describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.

(d) The Department shall adopt regulations that:

(1) require a family child care provider to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the family child care home or large family child care home;

(2) require the plan under item (1) of this subsection to include:

(i) a designated relocation site and evacuation route;

(ii) procedures for notifying parents or other adults responsible for the child of the relocation;

(iii) procedures to address the needs of individual children including children with special needs;

(iv) procedures for the reassignment of staff duties during an emergency, as appropriate; and

(v) procedures for communicating with local emergency management officials or other appropriate State or local authorities; and

(3) require a family child care provider to train staff and ensure that staff are familiar with the plan.

§5-551.

(a) Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and individuals identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State or other location approved by the Department.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part V of this subtitle:

(1) a child care center required to be licensed under Title 9.5, Subtitle 4 of the Education Article;

(2) a family child care home or large family child care home required to be registered under Title 9.5, Subtitle 3 of the Education Article;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or

(11) a home health agency or residential service agency licensed by the Maryland Department of Health and authorized under Title 19 of the Health – General Article to provide home– or community–based health services for minors.

(b-1) A contractor or subcontractor shall require an employee that will have direct, unsupervised, and uncontrolled access to children in a facility listed in subsection (b) of this section to obtain a criminal history records check under this Part V of this subtitle.

(c) The following individuals shall obtain a criminal history records check under this Part V of this subtitle:

(1) an individual who is seeking to adopt a child through a child placement agency;

(2) an individual who is seeking to become a guardian through a local department;

(3) an individual whom the juvenile court appoints as a guardian of a child;

(4) an adult relative with whom a child, committed to a local department, is placed by the local department;

(5) any adult known by a local department or the State Department of Education to be residing in:

(i) a family child care home or large family child care home required to be registered under this title;

(ii) a home where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there;

(iii) a home of an adult relative of a child with whom the child, committed to a local department, is placed by the local department;

(iv) a foster care home or child care home required to be approved under this title;

(v) a home of an individual seeking to adopt a child through a child placement agency; or

(vi) a home of an individual seeking to become a guardian through a local department;

(6) an individual who agrees to provide, or to continue providing, informal child care, as defined in child care subsidy regulations, adopted under Title 13A of the Code of Maryland Regulations; and

(7) if requested by a local department:

(i) a parent or guardian of a child who is committed to the local department and is or has been placed in an out-of-home placement within the past year; and

(ii) any adult known by the local department to be residing in the home of the parent or guardian.

(d) An employer at a facility under subsection (b) of this section may require a volunteer at the facility to obtain a criminal history records check under this Part V of this subtitle.

(e) A local department may require a volunteer of that department who works with children to obtain a criminal history records check under this Part V of this subtitle.

(f) An employer at a facility not identified in subsection (b) of this section who employs individuals to work with children may require employees, including volunteers, to obtain a criminal history records check under this Part V of this subtitle.

(g) An employer, as defined in § 5-550(e)(2) of this subtitle, shall require an employee, as defined in § 5-550(d)(2) of this subtitle, to obtain a criminal history records check under this Part V of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a person who is required to have a criminal history records check under this Part V of this subtitle shall pay for:

(i) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check;

(ii) reasonable administrative costs to the Department, not to exceed 10% of the processing fee; and

(iii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) A volunteer under subsection (d), (e), or (f) of this section who volunteers for a program that is registered with the Maryland Mentoring Partnership is not required to pay for costs or fees under paragraph (1)(ii) and (iii) of this subsection.

(i) (1) An employer or other party may pay for the costs borne by the employee or other individual under subsection (h) of this section.

(2) The local department shall reimburse:

(i) an adult residing in a foster care home for the costs borne by the individual under subsection (h) of this section; and

(ii) an individual described in subsection (c)(7)(ii) of this section for the costs borne by the individual under subsection (h) of this section.

[\[Previous\]](#)[\[Next\]](#)